



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5703-98

19 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 24 March 1969 at age 17. While in recruit training, you received nonjudicial punishment for an unauthorized absence of about 15 hours.

In July and August 1969 you were an unauthorized absentee on three occasions totaling about 34 days. On 9 September 1969 you were diagnosed with a passive aggressive personality disorder and were recommended for expeditious administrative discharge. However, the psychiatric evaluation also concludes that you were responsible for your actions and competent to stand trial. In October 1969 you were an unauthorized absentee for about 18 hours which was terminated by apprehension. A special court-martial convened on 23 October 1969 and convicted you of the foregoing four periods of unauthorized absence totaling about 35 days. The court sentenced you to a reduction to pay grade E-1, forfeiture of \$80 pay per month for four months and confinement at hard labor for four months.

On 13 November 1969 you were notified of separation processing by reason of unfitness due to your use of marijuana, LSD and barbiturates; and the periods of unauthorized absence. In

connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 28 November 1969 the discharge authority approved the recommendation of your commanding officer that you be discharged for unfitness with an undesirable discharge. You were so discharged on 12 December 1969.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you should have been discharged based on the psychiatric evaluation. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and use of drugs. The Board noted that the psychiatrist found that you were responsible for your actions and were competent to stand trial. Therefore, the Board believed that it was proper to discharge you based on your record of misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director